

Members

Sen. Allen Paul, Chairperson
Sen. Thomas Wyss
Sen. William Alexa
Sen. Allie Craycraft
Rep. Ben GiaQuinta
Rep. Claire Leuck
Rep. Robert Alderman
Rep. James Atterholt
John Dahman
Terry Smith
David Miller
James Brown



COMMISSION ON MILITARY AND VETERANS AFFAIRS

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Commission

Authority: IC 2-5-20

MEETING MINUTES¹

Meeting Date: September 18, 2001
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Allen Paul, Chairperson; Sen. Thomas Wyss; Rep. Ben GiaQuinta; Rep. Claire Leuck; Rep. James Atterholt; John Dahman; David Miller.

Members Absent: Sen. William Alexa; Sen. Allie Craycraft; Rep. Robert Alderman; Terry Smith; James Brown.

Senator Paul, Chairperson of the Commission, called the meeting to order at 1:40 p.m. Each member of the Commission present introduced themselves.

Peggy Piety, attorney for the Commission, read the Commission's charge as provided in the statute establishing the Commission. I.C. 2-5-20-7 states that the Commission shall study: (1) matters relating to veterans and veterans' affairs; and (2) matters relating to the active and reserve members of the armed forces of the United States. The Commission may study other topics assigned by the Legislative Council or as directed by the Commission's chair.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Senator Paul noted that the Legislative Council had not assigned any specific study topics to the Commission this year. He asked Commission members and other interested parties for suggestions for study topics.

The Indiana state income tax deduction for military income

Stan Huseland of the Reserve Officers Association, a member of the Indiana Military and Veterans Coalition, presented the Coalition's proposal that the Indiana state income tax deduction for military income be increased from the current \$2,000 to \$6,000. (Exhibit A) Mr. Huseland pointed out that the \$2,000 deduction has not changed since it was enacted in 1965. In 1965, the deduction effectively exempted all military pay of part-time federal reservists and National Guard participants, except for the very highest ranking officers. Now it approximates only the earnings of a newly recruited private. To take into account inflation and changes in the cost of living, the deduction should be increased to \$10,000. An increased deduction would benefit all Indiana residents receiving military pay, including those on active duty, reservists, those who are retired, and the survivors of veterans.

Mr. Huseland recognized Indiana's difficult fiscal situation, but believes that this proposal has merit. A bill to increase the deduction has been introduced in the General Assembly every year since 1996, and the Commission has supported the proposal every year since 1997.

Mr. Huseland listed three reasons to support the proposal:

- (1) The deteriorating value of the current deduction.
- (2) The increase would serve as public recognition of and partial repayment for the personal sacrifice made by those serving in the military, reserves, and National Guard in Kosovo, Bosnia, the Middle East, and elsewhere.
- (3) Ten states, including three states that border Indiana -- Michigan, Illinois, and Kentucky -- already exempt 100% of military pay from state income tax.

Military recruiter access to high school students

Joe Ryan of The Retired Officers Association, a member of the Indiana Military and Veterans Coalition, reported that 100% of Indiana's public high schools have complied with the requirements of SB 224 (P.L.81-2000) that amended I.C.20-10.1-29 concerning military recruiter access to high school students.

Absentee ballots and voting procedures for members of the military

Joe Ryan expressed two areas of concern with procedures that apply to military absentee voting. (Exhibit B)

The first is based on a survey of absentee voting by members of the military conducted by the Indiana Election Division in April 2001. Of the 63 counties responding to the survey, the county reject rate for absentee ballots received from overseas military voters ranged from 0% to 64%, with an average of 12.9%. Mr. Ryan urged equitable treatment by counties of absentee ballots from military voters. He also requested audits of county ballot rejections.

Mr. Ryan's second concern involved the notification of military absentee voters when their absentee ballots are rejected. A survey of Army War College students conducted during April 2001, indicated a special interest by military personnel in knowing whether an absentee ballot is accepted and the reason for a rejection, if the ballot is rejected. Mr.

Ryan pointed out that a person voting in person normally knows whether his or her vote has been accepted, and in the case of absentee ballots, Indiana law requires non-military absentee voters to be notified when, and told the reason why, an absentee ballot is not accepted. Mr. Ryan suggested that military absentee voters receive the same information.

Mr. Ryan stated that he was not asking the Commission to study these issues or take any action at this time, because he is currently working with the Governor's Task Force on Election Integrity, which is studying these issues as a part of its mission. Mr. Ryan noted that the Task Force Chairperson, Secretary of State Sue Anne Gilroy, and the Chairperson of the Subcommittee on Remote Voting, Representative Kathy Richardson, have been exceptionally helpful in allowing him to address the concerns of military voters.

Mr. Ryan also requested that the state provide candidate information to out-of-state military voters at the lowest level possible. He noted that other states provide such information to military absentee voters.

In response to a question from Representative Leuck, Mr. Ryan discussed with Commission members Indiana's current deadline, noon on election day, for the receipt of absentee ballots compared to Florida's deadline, ten days after election day, for the receipt of absentee ballots.

Indiana state veterans' cemetery fund

Bill Jackson, Director of the Indiana Department of Veterans Affairs, presented a proposal to reintroduce SB 346 from the 2001 legislative session. SB 346 would establish the Indiana state veterans' cemetery fund as a dedicated fund.

Mr. Jackson gave a brief history of the proposal. The United States Department of Veterans Affairs started a program to establish state veterans' cemeteries as a supplement to national military cemeteries. The program required the federal and state governments to share 50-50 the construction costs for a state veterans' cemetery. The General Assembly approved the construction of a cemetery in Indiana.

Thereafter, Mr. Jackson, along with others, successfully convinced the federal government to pay 100% of the cemetery construction costs, because the state would have the perpetual expense of operating and maintaining the cemetery. After this change in the program, the state budget committee created (as a line item in the 1999 budget bill) a veterans' memorial cemetery trust fund to hold the \$1.5 million already appropriated by the General Assembly for cemetery construction. The interest from the fund was to be used for the cemetery's upkeep. The budget agency also suggested that Mr. Jackson pursue legislation to make the trust fund permanent, so that the fund did not have to appear every two years in the budget bill.

Civil immunity for volunteers

Harold Henneke of the Indiana State Air Force Association, a member of the Indiana Military and Veterans Coalition, presented a proposal to provide volunteer immunity from civil liability. (Exhibit C) Mr. Henneke stated that this proposal should be important to the Commission because large numbers of military personnel and retirees serve as volunteers in Indiana. Mr. Henneke discussed the provisions of the federal Volunteer Protection Act of 1997 (P.L.105-19). He outlined past efforts by members of the Indiana Military and Veterans Coalition and others to have a volunteer immunity bill heard in the Indiana House

Judiciary Committee. He emphasized the need to protect volunteers from civil liability.

Representative GiaQuinta asked what was prompting this legislation and whether Mr. Henneke could provide any examples of volunteer problems in this area. Mr. Henneke stated that the passage of the federal act prompted this proposal along with the need to standardize the treatment of volunteers by protecting them from civil liability.

The naming of the new Indianapolis Airport terminal for Weir Cook

Joe Duray, Chairman of the Indiana Military and Veterans Coalition, requested that the Commission consider adopting a resolution recommending the naming of the new midfield terminal at the Indianapolis International Airport for Weir Cook. (Exhibit D)

Mr. Duray recounted Weir Cook's history as a pilot in World War I and World War II. Mr. Cook was a leader in the development of air transport and was involved in establishing the first dive bombing site for the Army. He lost favor during the Billy Mitchell court martial. During World War II, Mr. Cook achieved the rank of colonel in the 38th Division of the Indiana National Guard. Mr. Cook, who became the commander of air bases in New Caledonia, died in an airplane crash there in 1943.

Joe Ryan commented that, as a public school teacher, he is stunned by the students' lack of interest and knowledge of Indiana heroes.

John Dahlman stated support for the proposal.

Other business

In other business, Representative Atterholt suggested that the Commission consider a resolution concerning the terrorist attacks against the United States on September 11, 2001. He offered a resolution adopted by the United States Senate and House of Representatives (H.J.Res.61) as a model for such a resolution.

Senator Wyss asked about the significance of June 14th as Flag Day. He suggested that Flag Day be changed to September 11th.

Senator Paul outlined the work plan for the next meeting: (1) discussion of a bill draft increasing the Indiana state income tax deduction to \$6,000; (2) discussion of a bill draft establishing the Indiana state veterans' cemetery fund as a dedicated fund; (3) discussion of a resolution concerning the terrorist attacks against the United States on September 11, 2001; and (4) discussion of a resolution recommending the naming of the new infield terminal at the Indianapolis International Airport for Weir Cook. Consideration of a bill concerning civil immunity for volunteers was deferred to a later meeting.

Representative Leuck stated that she will again author the bill increasing the Indiana state income tax deduction.

Phil Conklin of the Retired Indiana Public Employees Association stated that any bill involving civil immunity for volunteers should include expanded protection for volunteer firefighters.

The Commission set its second meeting for Tuesday, October 9, 2001, at 1:30 p.m. in the Statehouse.

There being no further business before the Commission, Senator Paul adjourned the

meeting at 2:35 p.m.